

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: RABISCHONG, Pierre

SERIAL NO.: 10/597,535

ART UNIT: 2431

FILED: June 23, 2008

EXAMINER: Squires, B. S.

TITLE: DEVICE FOR COLLECTING, LOOKING UP, AND PROCESSING DATA,
IN PARTICULAR MEDICAL DATA

Amendment A: REMARKS

Upon entry of the present amendments, previous Claims 1 - 11 have been canceled and new Claims 12 - 17 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of placing the claim language into a more proper U.S. format and also for more clearly distinguishing the present invention from the prior art.

In the Office Action, it was indicated that Claims 1, 3 - 8 and 11 were rejected under 35 U.S.C. § 102(b) as anticipated by the Salisbury publication. Claim 2 was rejected under 35 U.S.C. § 103(a) as being obvious over the Salisbury publication in view of the Broussard publication. Claim 9 was rejected under 35 U.S.C. § 103(a) as being obvious over the Salisbury publication in view of the Nehammer publication. Claim 10 was rejected under 35 U.S.C. § 103(a) as being obvious over the Salisbury publication in view of the Trice publication. There were also formality objections with respect to the language of dependent Claim 2.

As an overview to the present reply, Applicant has canceled previous Claims 1 - 11 and has substituted Claims 12 - 17 therefor. The new claims have been presented in a more proper U.S. format, including proper antecedent bases and proper structural interrelationships throughout. Any

indefinite terminology found in the original claim language has been corrected herein.

In particular, new independent Claim 12 incorporates the limitations of previous independent Claim 1, along with a portion of dependent Claim 2 and dependent Claims 8, 9 and 11. Claim 2 has been canceled in view of the Examiner's objections. Additionally, Claims 6 has been cancelled herein. Dependent Claims 13 - 15 correspond, respectively, to the limitations of previous dependent Claims 3 - 5. Dependent Claim 16 reflects the limitations of previous dependent Claim 7. Dependent Claim 17 reflects the limitations of previous dependent Claim 10.

Relative to the prior art rejection based upon the Salisbury publication, Applicant respectfully contends that the present invention is a CD/DVD-ROM medium that includes the software application capable of burning an amended disk image on the CD/DVD-ROM medium itself. The prior art Salisbury publication does not describe such a software application. The Salisbury publication mentions a software application included into a CD-ROM medium. This application is able to modify, sort, backup, and share the data recorded on the medium. In fact, this application uses the software to burn the application installed on the computer. As such, the embedded software application of the Salisbury publication is simply a database manager that runs from the CD-ROM. Any amendments made to the data are first written into a temporary data storage before the launching of a burning of the new data. This burning step requires the application installed on the computer.

Relative to the present invention, it is important to note that it is stated in paragraph [0030] that:

Advantageously, during the insertion of the CD-ROM 2 into the reader of the computer 3 of the user, the application 7 can be launched automatically, not requiring prior installation on the same computer 3.

Additionally, as was stated in paragraph [0031]:

When the use of the CD-ROM 2 is finished, the computer 3 of the user is restored to its original state by the application 7, whose execution only requires possible writing of temporary data.

As such, it can be seen that the application of the present invention does not require prior installation. Additionally, the computer is restored to its original state. The burning software application launches from the CD/DVD-ROM medium.

The Salisbury publication does not describe the burning. As can be seen in independent Claim 12, the "burning software application" is runnable entirely from the mobile computer medium. As such, Applicant respectfully contends that independent Claim 12 is not anticipated by the prior art Salisbury patent.

Relative to the Examiner's objections with respect to the use of the term "Java", Applicant has removed Claim 2 herein which references such a term.

Applicant is in the process of securing the certified copy of the priority document. Such a priority document will be submitted as soon as possible.

Based upon the foregoing analysis, Applicant contends that independent Claim 12 is now in proper condition for allowance. Additionally, those claims which are dependent upon Claim 12 should also be in condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

February 20, 2009

/Andrew W. Chu/

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